

REMARKS

In the above-identified Office Action the claims were again rejected for essentially the same reasons as in the previous Office Action; and it appears that the rejection is based on an alleged correlation of the presently claimed "template" with the "clip list" of the registered clips in area 32 of Fig. 5 of the cited Ohmori patent. As previously submitted, Applicant considers such a correlation to be in error and not supported by any disclosure or suggestion set forth in the Ohmori patent.

First, at page 3, middle paragraph, the Office Action uses phrases such as "editing list" and "editing rules" in interpreting the disclosure of Ohmori. However, neither of these terms are expressly used in Ohmori. For example, while the term "edit list" is used at column 24, line 22, the Ohmori patent uses the term "edited-list" to qualify the "edited-list creating apparatus" (column 3, line 12), the "edited-list creating part 35" (col. 11, line 28) and an "edited list" ostensibly being the output of Ohmori's apparatus (see Abstract, col. 1, line 14, col. 3, line 9, col. 3, line 37). In this connection, it is of significance that on page 3 of the Office Action, the Examiner reads the presently claimed term of "template with cutting rules" as a "editing list which contains the editing rules for creating the edited output." The Examiner reads "cutting rules" as "the editing rules which include, for example, the beginning and end times of each clip". If, as understood, the reference here to the "editing list" is a reference to the "edited list", then the output of Ohmori is erroneously equated with the template of the present invention. If this understanding of that reference is incorrect, then the "editing list" can at best be the "clip list" which cannot define editing or cutting rules, since any such rules are what would be used to act on the list. The list itself cannot be the rules. A list of the clips, (whether input or each output)

having a start and end time (in or out point) is simply a list and of itself does not define "cutting rules" or a "template".

Accordingly, Applicant respectfully submits that this interpretation in the Office Action is ill-founded based upon the specific language of the presently claimed invention as set forth in Claim 1. In particular, Claim 1 refers to a video sequence comprising a (at least one) clip formed of video content "captured between two points in time and thereby defining a duration of the clip". The method defined in Claim 1 then proceeds to apply a template of cutting rules to each of the clips. If, according to the Examiner's interpretation, the cutting rules comprise the beginning and end times of the clip, then arguably no editing would be performed on the content of each clip, since those times of themselves define the "clip" and the "rules". The input would therefore be the output.

More specifically, the present invention as set forth Claim 1, lines 8 and 9, relate to the template having attributes including "cutting rules comprising at least a plurality of predetermined edited segment durations" which according to later steps of the claim are applied to the clip. In contrast, Ohmori in Fig. 5 identifies a "clip list 32" in which the start and end point of each clip are the "in" and "out" points defining sub-portions of a larger video sequence. As a consequence of this, the "in" and "out" points therefore cannot be separated from each clip and read separately as "editing rules" to be applied to those very same clips.

As required by the present invention, the editing rules must act upon something. If, in the Examiner's interpretation, the "in" and "out" points are separated from the clips, then those (interpreted) "editing rules" would have no well defined input so that this reading of the claim renders the claim meaningless. Specifically with reference that portion of Ohmori

mentioned on page 3 at column 11, line 27 to column 12, line 5, Ohmori describes a method by which an operator, when presented with the graphical user interface of Fig. 5, is able to manually select from the clips portions of those clips to be included in the final edited video sequence. This manual editing is exemplified at column 11, lines 32, where the operator puts "the cursor with a level of the desired clip in the clip information display part 32 ... by presenting the button of the mouse ... the cursor is moved to a desired portion in the first or second video track ... and thereafter the button of the mouse 13 is released." This is clearly a manual operation described by Ohmori and it will be appreciated that any such manual operation conveys with it an infinite number of possibilities for manual editing based upon the whim of the operator at the time. The manner in which editing is manually performed is not described by Ohmori to be done according to any particular set of rules, or more particularly any form of template intended to achieve a particular visual effect from the edited video sequence, such as described in detail in the present patent application and defined in the last portion of Claim 1.

By contrast, the present invention is described as a "computer implementable method" whereas Ohmori describes a manual method of editing that is assisted by a computer interface.

Significantly, Ohmori is also entirely silent as to a "template" including "cutting rules". The term "template" is well known in the art to be something that is applied to data of any appropriate type. In the interpretation of Ohmori that is represented on page 3 of the Office Action, "template" refers the data itself (i.e., the video clips with their start and end times). In contrast, and as expressly described in the present patent specification and claimed in the present claims, the template is distinct from the input (the video content) but when the content is applied

or edited according to the template, a distinct result is achieved according to the cutting rules of the particular template.

A further clear distinctive feature of the present invention is found in the last two lines of Claim 1 (for example), which defines "at least a portion of the at least one clip being discarded by the processing of the at least one clip". In this regard, the Office Action at page 5, first paragraph, considers this feature to be anticipated by Ohmori at column 14, lines 10-35. On the contrary, Ohmori in this regard discusses the correlation between image and sound of the clip and corresponding frames and then discusses mouse manipulation (i.e., manual operator control) to "unlink" the image from the sound. This unlinking of audio and video as described in Ohmori and relied upon in the Office Action is entirely unrelated to the discarding of a portion of the clip as defined in claim 1 of the present invention. In particular, in the present application, the at least one video clip has the template of cutting rules applied to it so as to create an edited output sequence incorporating editing segments, each corresponding to one of a plurality of edited segment durations. Furthermore, at least one portion of the original source clip is discarded. Accordingly, in its broadest interpretation, the present invention provides that a single input clip will be divided and edited according to a template to provide two edited segments each of respective different durations such that the sum duration of those two segments will be less than the overall duration of the original input clip (thereby ensuring that at least part of the clip is discarded).

The Ohmori patent fails to describe or even suggest any such arrangement which provides for the computer implemented method of editing to provide such an edited video sequence. The unlinking described in column 14 relates to disassociating audio from video and is

not to support the discarding of video material. Further, such unlinking is manually performed and therefore in accordance with the submissions made above, is not one that can be attributed to any particular "template" that results in a discarding of a portion of at least one clip.

For these reasons it is submitted the Ohmori does not anticipate the present invention under the provisions of Section 102, nor in Applicant's opinion does it provide any suggestion that it might be relied upon under the provisions of Section 103. The same comments apply to all other independent claims which relate to the same combination of features referred to herein. Accordingly, reconsideration and withdrawal of the rejections are requested.

Finally, it is observed that the Section 102 rejection is applied to Claims 1 and 2, 5-7, and so forth, but that the allowability of Claim 3 (for example) is acknowledged. In this regard, Claim 3 provides express limitations to the first and second durations recited in Claim 2, which the Office Action clearly asserts to be not novel (see page 5) in spite of Ohmori being entirely silent as to any particular duration and more specifically any explicit "first duration" and any explicit "second duration". Accordingly, it is submitted that because Claim 3 is novel and inventive, Claim 2 (and hence Claim 1) should also be deemed to be novel for the same reasons recognized in the Office Action with respect to Claim 3.

As a further point, it is noted that the object of the present invention is to provide for automated editing of raw video footage so as to absolve an amateur (domestic) user from prior art (complex) editing tasks. Ohmori clearly describes a prior art manual editing system and one that is avoided through the use in the present invention using the "template of cutting rules".

For all of these various reasons it is believed that the application is in condition for the issuance of a Notice of Allowance.

No petition to extend the time for response to the Office Action is deemed necessary for the this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

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